

## **BILL ANALYSIS**

Senate Research Center

S.B. 948  
By: Nelson  
State Affairs  
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Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The Denton County Transportation Authority (authority) is a coordinated county transportation authority operating under Chapter 460 (Coordinated County Transportation Authorities) of the Transportation Code. The authority serves one of the fastest growing counties in the nation and requires statutory flexibility to meet the needs of its community. Specifically, S.B. 948 ensures that cities assessing sales tax or exercising another financing agreement with the authority have a seat on the board of directors of the authority; protects contractors working on behalf of the authority; authorizes the authority to contract for fare enforcement officers; and authorizes the authority to enter into a local government corporation with other local entities.

S.B. 948 amends current law relating to management of a coordinated county transportation authority.

[**Note:** While the statutory reference in this bill is to the executive committee, the following amendments affect the board of directors of the authority, as the successor agency to the executive committee.]

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 431.003(3), Transportation Code, to redefine "local government."

SECTION 2. Amends Section 460.054(b), Transportation Code, to provide that the interim executive committee of the board of directors (board) of a coordinated county transportation authority (authority) is composed of certain members, including:

(1)-(3) Makes no change to these subdivisions; and

(4) one member appointed by the governing body of each municipality in the county with a population of more than 500 but less than 12,000 that designates a public transportation financing area under Section 460.603 (Designation of Public Transportation Financing Area); enters into an agreement with authority to provide public transportation services in the public transportation financing area under Subchapter I (Participation in Authority Through Tax Increment Payments); and did not approve the designation of any member designated under Subdivision (3) (relating to designating three members in a county with a population of more than 500 and less than 12,000).

Makes nonsubstantive changes.

SECTION 3. Amends Section 460.105, Transportation Code, by adding Subsection (c), to provide that a private operator who contracts with an authority under this chapter is not a public entity for purposes of any law of this state except that an independent contractor of the authority that performs a function of the authority is liable for damages only to the extent that the authority would be liable if the authority or entity itself were performing the function.

SECTION 4. Amends Section 460.1092(a), Transportation Code, to authorize an authority to employ or contract for persons to serve as fare enforcement officers to enforce the payment of fares for use of the public transportation system by requesting certain evidence and issuing certain citations.

SECTION 5. Amends Section 460.2015(a), Transportation Code, to require the board of an authority, if the board increases a certain population amount stated by Sections 460.054(b)(3), (b)(4), and (c) (relating to designating the interim executive committee members), rather than by Sections 460.054(b)(3) and 460.054(c), by the same amount.

SECTION 6. Amends Section 460.202, Transportation Code, as follows:

Sec. 460.202. ELIGIBILITY. Requires a person, to be eligible for appointment to the board, to:

- (1) Makes no change to this subdivision; and
- (2) reside in the territory of the authority or outside the territory of the authority in a municipality that is located partly in the territory of the authority.

SECTION 7. Amends Section 460.406(c), Transportation Code, to authorize the board to authorize the negotiation of a contract without competitive sealed bids or proposals if:

- (1)-(7) Makes no change to these subdivisions;
- (8) the contract is for the lease or purchase of an interest in land, rather than the contract is for the purchase of land or a right-of-way;
- (9)-(11) Makes no change to these subdivisions;
- (12) the contract is one for an authority project and awarded for alternative project delivery using the procedures under Subchapters E (Addition of Territory), F (Management of Authority), G (Bonds and Notes), and I, Chapter 2267 (Contracting and Delivery Procedures for Construction Projects), Government Code, as added by Chapter 1129 (H.B. 628), Acts of the 82nd Legislature, Regular Session, 2011; or
- (13) the contract is for fare enforcement officer services under Section 460.1092 (Fare Enforcement Officers).

Makes nonsubstantive changes.

SECTION 8. Makes application of Section 460.105(c), Transportation Code, as added by this Act, prospective.

SECTION 9. Effective date: September 1, 2013.